

REMARKS:

This application has been carefully studied and amended in view of the Office Action dated February 25, 2005.

Reconsideration of that action is requested in view of the following.

Parent claims 16, 18 and 19 have been amended to more clearly define the invention. As now amended, it is respectfully submitted that these claims and their dependent claims are patentable over Henkin '675 in view of Henkin '280.

The present invention is concerned with removing harmful or undesired substances from a gas line which feeds therapeutically effective gases to a patient. This is done by purging the gas line through the use of a purging gas or gas mixture as defined in parent method claim 16 and in parent device claim 19. An alternative which is the subject of parent method claim 18 is to utilize suction in order to evacuate the gas line.

In both Henkin '675 and '280 flush buttons are used in order to flush an anaesthetic apparatus. This flushing is well known in such types of apparatus and is used if the patient gets insufficient oxygen. Under such circumstances the doctor would press the flush button and an extra portion of fresh oxygen is led to the patient. See, for example, col. 7, lines 28-32 of Henkin '675 which specifically refers to the condition where there is "insufficiency of gas volume to the patient" which "can be immediately rectified by the anesthetist pressing the flush

button 142 to Open Valve 143 to flush fresh gas line 106 with high pressure gas." This is not purging.

Accordingly, what is accomplished in the Henkin patents is different than what is being claimed herein. The present invention is not directed to supplying new gas to the patient. Instead, with the present invention (as defined in parent claims 16 and 19) harmful substances are purged from the first line (the line supplying the therapeutically effective gases). In the case of claim 18 the removal of the harmful substances is accomplished by evacuation. This likewise differs from the Henkin patents where there is a flushing resulting from the doctor pressing the flush button and causing an extra supply of fresh oxygen to the patient.

Parent claim 16 has been amended to define a method generally along the lines of, for example, Figure 2. In that practice at least one shut off valve, such as valve 12 and/or 14, is provided at the first line with the shut-off valve having an outside line 16 that leads to the atmosphere. When the shut-off valve is opened purging results by flowing the purged gas through the first line and out of the outside line. It is noted incidentally that claim 16 has been amended to delete reference to N₂O from the claims. N₂O is also an anesthetic gas. Parent claim 19 which is directed to a counterpart device has had amendments similar to those of parent claim 16. Each of claims 16 and 19 now have additional dependent claims. For example,

newly added claim 22 is dependent on claim 19 and refers to the practice of, for example, Figure 2 wherein there are two such shut-off valves each with its outside line. Newly added dependent claim 23 is dependent on claim 11 which in turn is dependent on claim 19 and is similar to claim 22, but more specific. In that regard, claim 23 defines the locations of the two shut-off valves in connection with the location of the pressure gauge and the flow meter and the gas valve of parent claim 11. Newly added claims 24 and 25 are dependent on claim 16 and are counterpart method claims, to device claims 22 and 23.

Parent claim 18 has been amended which is directed to the practice of the invention where instead of purging the harmful or undesired substances, those substances are removed by evacuation. This again differs from the Henkin patents. Dependent claim 26 has been added which is dependent on claim 18 and is directed to the embodiment, for example, of Figure 8 where the evacuation method includes providing at least one shut-off valve with its outside line so as to be able to draw air in through the outside line when the shut-off valve is opened during evacuation.

Since five additional claims, namely claims 22-26, have been added a corresponding number of prior dependent claims have been canceled in order to maintain the same number of claims in the application. More particularly, claims 5 and 6 have been combined resulting in the cancellation of claim 6. Claims 8 and 9 have been combined resulting in the cancellation of claim 9.

Claims 14 and 21 have been canceled since the features of those claims are in claim 13. Finally, claim 20 has been canceled because its feature is now in amended claim 19.

The present invention as defined in parent claims 16, 18 and 19 and in their dependent claims clearly differs from the techniques and devices shown and described in the Henkin patents. In that regard, the present invention relates to the removal of harmful or undesired substances by purging and/or evacuation of the first line which supplies the therapeutically effective gases in the manner defined in those claims. This is in stark contrast to the Henkin patents which are concerned with providing an extra portion of fresh oxygen and not to purging or evacuation in the manner claimed herein.

In view of the above remarks and amendments this application should be passed to issue.

Respectfully Submitted,

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